

**FEDERAL COMMUNICATIONS
COMMISSION**

In Re Applications of:

MM DOCKET No.: 95-154

CONTEMPORARY MEDIA, INC.
Licensee of Stations WBOW(AM),
WBFX(AM), and WZZQ(FM),
Terre Haute, Indiana
Order to Show Cause Why the
Licenses for Stations
WBOW(AM), WBFX(AM), and
WZZQ(FM), Terre Haute, Indiana
Should Not be Revoked
CONTEMPORARY BROADCASTING INC.
Licensee of Station KFMZ(FM),
Columbia, Missouri, and
Permittee of Station KAAM-FM,
Huntsville, Missouri (unbuilt)
Order to Show Cause Why the
Authorizations for KFMZ(FM),
Columbia, Missouri, and
KAAM-FM, Huntsville, Missouri,
Should Not be Revoked
LAKE BROADCASTING, INC.
Licensee of Station KBMX(FM),
Eldon, Missouri, and Permittee
of Station KFXE(FM),
Cuba, Missouri
Order to Show Cause Why the
Authorizations for KBMX(FM),
Eldon, Missouri, and KFXE(FM),
Cuba, Missouri,
Should Not be Revoked
LAKE BROADCASTING, INC.
For a Construction Permit for
a New FM Station on Channel
244A at Bourbon, Missouri

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FEDERAL COMMUNICATIONS COMMISS
OFFICE OF SECRETARY

File No.: BPH-921112MH

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HERITAGE REPORTING CORPORATION

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Washington, D.C.
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Before the
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Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Suite 200
FCC Building
2000 L Street, N.W.
Washington, D.C.

Tuesday,
March 5, 1996

The parties met, pursuant to the notice of the
Judge, at 9:03 a.m.

BEFORE: HON. ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On behalf of Federal Communications Commission:

D. ANTHONY MASTANDO, ESQ.
ROBERT ZAUNER, ESQ.
Bureau of Mass Media
2025 M Street, N.W.
Washington, D.C. 20554
(202) 418-1438

On Behalf of Contemporary Media, Inc., et. al.:

SHELLY SADOWSKY, ESQ.
MICHAEL DEAN GAFFNEY
Rosenman & Colin, LLP
1300 - 19th Street, N.W.
Washington, D.C. 20036
(202) 463-4640

Heritage Reporting Corporation
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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
None.					

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
None.		

Hearing Began: 9:03 a.m. Hearing Ended: 9:35 a.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: We're on the record.

3 This is a further prehearing conference in MM
4 Docket No. 95-154 involving an Order to Show Cause and
5 Notice of the Parent Liability directed against Contemporary
6 Media, Inc., Contemporary Broadcasting, Inc., and Lake
7 Broadcasting, Inc. For convenience, all three will be
8 referred to as the Licensees.

9 The Mass Media Bureau would like a continuance of
10 the procedural dates and Licensee objects. We had a
11 conference call yesterday in an attempt to resolve the
12 matter, but the attempt didn't resolve the matter.
13 Therefore, we're here this morning.

14 Let me have the appearances for the Licensees.

15 MS. SADOWSKY: Shelly Sadowsky and Michael
16 Gaffney, Rosenman & Colin.

17 JUDGE STEINBERG: And for the Chief, Mass Media
18 Bureau.

19 MR. MASTANDO: Anthony Mastando and Bob Zauner.

20 JUDGE STEINBERG: Okay. I'll turn the floor over
21 to the Bureau. You can make your request and give your
22 reasons.

23 MR. MASTANDO: Your Honor, we asked yesterday for
24 a six-week extension. We have a few reasons for doing so.

25 The first and foremost reason is the funding

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1 crunch that the entire Commission is under, the entire
2 government is under presently. Right now, the continuing
3 resolution only extends to March 15th. The hearing date is
4 the 19th. Because of that, we're unable to obligate the
5 government beyond March 15. So that really has a host of
6 implications for whatever case we can put on. Calling
7 witnesses, making travel arrangements, and such. That's one
8 major component of the funding crunch.

9 The other component is within the Bureau. We have
10 had a problem, in a sense, of securing funding to get
11 witnesses brought in. We found out only yesterday that the
12 Bureau would like to make a commitment within whatever
13 constraints there are with a continuing resolution to allow
14 us to bring in witnesses. We were told that this case is of
15 paramount importance and they would support us with whatever
16 resources they could muster. To that end, the -- this is a
17 virtual death sentence for the Licensees. We'd like to get
18 a full and complete record. So that's matters of funding.

19 Another issue that has brought us here today is
20 the furlough and the snow days. That really removed four
21 weeks from our preparation, at least four weeks from our
22 preparation. Speaking of our preparation, we would like to
23 have a sufficient amount of time to respond to, after
24 receiving the answers to the interrogatories, to respond to
25 the situation as things warrant. We don't know precisely

1 how much time we'll need. We haven't seen the answers to
2 the interrogatories yet. We do know that we will need time
3 to analyze the information and, if necessary, compel
4 additional answers from the Licensees. We'll need time to
5 interview the witnesses, and if there are any people on
6 vacation that we'd like to speak to or are sick, our efforts
7 to get in touch with them could take an undetermined amount
8 of time.

9 We would like to be able to secure the funding for
10 testimony. That's a huge issue for us. We cannot obligate
11 the government past March 15th at this point, and we would
12 really be remiss if we did not bring witnesses in to
13 testify. We would be unable to fully garner a record for
14 the case.

15 So besides analyzing the information, compelling
16 answers if necessary, interviewing witnesses, and securing
17 funds, we would have to prepare and serve subpoenas on the
18 parties and deal with any motions to quash. So it's an
19 extended process. We really don't know what the Licensees
20 will provide for us in terms of leads we'd like to follow,
21 but we feel, given the best estimates, six weeks is not an
22 unreasonable amount of time, and that's why we asked for it.

23 JUDGE STEINBERG: Okay. Anything further?

24 MR. MASTANDO: Not at this time, Your Honor.

25 MS. SADOWSKY: Your Honor --

1 JUDGE STEINBERG: Have you finished?

2 MR. MASTANDO: Yes, at this time.

3 JUDGE STEINBERG: Okay. Ms. Sadowsky.

4 MS. SADOWSKY: Your Honor, I'm sitting here in a
5 little bit of shock because I would think that the content
6 of Mr. Mastando's statements just now could have been made
7 when we had our original prehearing conference in November.
8 If not, they should have been made at least immediately
9 after the furlough ended in mid-January. This is not new
10 business. This is not new news. The funding crunch we've
11 known about since the furlough occurred.

12 The fact that they are now working to secure money
13 for witnesses, Your Honor. In past conversations, and there
14 have been several between counsel for the parties, we have
15 been told that this is going to be a documents-only case for
16 the Bureau. They did not contemplate having any live
17 witnesses brought in.

18 They did not tell us that it was based on any kind
19 of -- they did tell us that they had little funds, but it
20 seemed to be not an important issue for them a few weeks
21 ago, Your Honor. Now all of a sudden, at the 13th hour,
22 after the close of discovery and when our direct case
23 exhibits were to have been exchanged today, we're hearing
24 that they want to conduct more discovery.

25 Your Honor, I think its an outrage. I believe

1 that it is prejudicial to our clients. We have worked
2 within the prescribed procedural rules that you set. You
3 indicated to the extent there was flexibility with all dates
4 prior to the hearings. That's fine. But we did not hear
5 from the Bureau before the close of discovery that they
6 needed more time. If they had asked, we would have probably
7 not had a problem.

8 But here we are having interrogatories served on
9 us on the very last day of discovery, on the date for
10 completion of discovery where interrogatory answers by
11 anybody's calculations in looking at the rules would not be
12 due until after the direct case exhibits are exchanged.

13 The question that we have is why the
14 interrogatories at all if they're not going to get their
15 answers until after our direct case. Quite frankly, Your
16 Honor, our direct case exhibits which have been prepared for
17 exchange today would answer most of the interrogatories that
18 they ask, and in fact, if the you look at the
19 interrogatories, none of them, none of them, had to wait
20 until February 23rd. There were at least nine
21 interrogatories that could have been asked on the first day
22 of discovery in this case when they served us timely with
23 their document request.

24 The rest of the interrogatories are based on
25 documents that were produced to the Bureau on January 24th.

1 It took them one month, one month from document production,
2 to ask us interrogatories.

3 Your Honor, what's fair is fair here. It's my
4 view that the Bureau is asking for more time to conduct a
5 fishing expedition. In fact, why would they ask an
6 interrogatory for a listing of all former employees and
7 current employees when they knew they would not get the
8 answer until after their direct case exhibits went in. Your
9 Honor, what more discovery could they conduct after February
10 23rd?

11 Quite frankly, if we are compelled to answer these
12 interrogatories, which we don't believe we should answer
13 under the procedural schedule that you've already
14 established, if we were compelled to answer those
15 interrogatories, we would have objected to that particular
16 interrogatory because it could not lead to the discovery of
17 more evidence given that the procedural date for the close
18 of discovery has already occurred.

19 So I don't think, in sum, that the Bureau has
20 brought about any new information here that they didn't know
21 about for at least a good month. And to spring this on us
22 the day before exhibits are due for exchange when we have
23 worked to prepare those exhibits, given the understanding
24 that we had with the Bureau about what case they were going
25 to put in, they know what case we're going to put it, we

1 told them who our witnesses are. We've been trying to
2 cooperate. Your Honor, I think this is beyond the pail.

3 JUDGE STEINBERG: Have you completed?

4 MS. SADOWSKY: Yes.

5 JUDGE STEINBERG: Okay. Do you want to respond?

6 MR. MASTANDO: I do, Your Honor.

7 JUDGE STEINBERG: Let me just ask, when are
8 answers to the interrogatories due, assuming that --

9 MR. GAFFNEY: Your Honor, Michael Gaffney, if I
10 could just interject. In reviewing your --

11 JUDGE STEINBERG: Yes, I know what the order said.

12 MR. GAFFNEY: The order says -- Where the
13 completion of all discovery was on February 23rd, one would
14 assume that if there was a seven day -- if the response date
15 was seven days for interrogatories, we should have been
16 served those seven days prior or at least the
17 interrogatories should have been served in conjunction with
18 some kind of a motion to extend the completion of discovery
19 deadline.

20 On this record, I'm not sure that interrogatory
21 answers are due, unless we have an order that would extend
22 the discovery deadline or otherwise entitle the Bureau to
23 get discovery after discovery is closed.

24 MR. MASTANDO: Your Honor --

25 MR. GAFFNEY: That's an open question for this

1 hearing.

2 MR. MASTANDO: March 8th would be the date that
3 interrogatories --

4 JUDGE STEINBERG: But I just want to know -- let's
5 say, forget about the order.

6 MS. SADOWSKY: Friday, March 8th.

7 MR. MASTANDO: March 8th would be the day. Your
8 Honor, there is new information that's here. We were
9 working under the assumption that we would not be able to
10 have witnesses.

11 JUDGE STEINBERG: Well, okay. Wait a minute.
12 Wait. I never said you couldn't have witnesses.

13 MR. MASTANDO: Right. It was our internal --

14 JUDGE STEINBERG: Ms. Sadowsky never said she
15 couldn't have witnesses.

16 MR. MASTANDO: Absolutely. It was a matter of
17 funding, Your Honor.

18 JUDGE STEINBERG: So it's not her fault that you
19 couldn't have witnesses -- that you were working under that
20 assumption and it's not my fault.

21 MR. MASTANDO: Absolutely not. But we're not
22 asking to reopen --

23 JUDGE STEINBERG: Wait, let me finish. It's the
24 "powers that be" in the Bureau who's made that decision. So
25 why should Ms. Sadowsky suffer because of the decision made

1 by the powers that be? I mean, you've got the burdens.
2 Presumably the powers that be knew that you had the burdens
3 and knew what you would have to do.

4 I don't mean to come down hard on you because it's
5 probably a decision you had nothing to do with. But that's
6 not a very good excuse, that you didn't know until two days
7 ago that you could have witnesses. I mean, how do you get
8 documents in without witnesses, even if it was going to be a
9 documentary case? That's no -- okay.

10 Let me just ask, when were the last documents
11 delivered to the bureau?

12 MS. SADOWSKY: Your Honor, we delivered --

13 JUDGE STEINBERG: You mentioned January 23rd?

14 MR. SADOWSKY: We delivered over 500 documents on
15 January 24th. We had two subsequent smaller productions.
16 None of the interrogatories that were asked went to any of
17 the documents that were in the subsequent productions.

18 We had -- our last production was on -- we
19 delivered a few documents on February 22nd. That was the
20 very last, maybe five documents at most. Then we had
21 another delivery --

22 MR. MASTANDO: Your Honor, may I speak to this
23 issue?

24 JUDGE STEINBERG: Let Ms. Sadowsky --

25 MR. MASTANDO: The last delivery was the 22nd.

1 JUDGE STEINBERG: Of February?

2 MS. SADOWSKY: That's what I said.

3 MR. MASTANDO: The day before the discovery date
4 closed.

5 JUDGE STEINBERG: Okay. And none of the
6 interrogatories, Ms. Sadowsky, correct, that none of the
7 interrogatories -- or that all of the interrogatories, she
8 didn't say this but I'm inferring it, that all the
9 interrogatories are directed, I've skimmed over the
10 interrogatories and there are document references numbers in
11 it, but that all of them go to the documents that were
12 exchanged on the 24th of January.

13 MR. MASTANDO: I don't know offhand, Your Honor,
14 but what I do know offhand is that our original document
15 request was delivered to opposing counsel on December 13th.
16 And at that time, they asked for a two week extension, which
17 we granted to them for which we agreed to gladly.

18 So from ten days, what is required by law, they
19 went to 24 days. We returned from furlough on January 11th.
20 There were no documents produced on that day.

21 JUDGE STEINBERG: Okay, fine. I'll give you --
22 I'll grant all that to you, but if all of them -- what
23 happened in the month between January 24th and February
24 23rd? I know what Mr. Zauner was doing during part of that
25 time. He was preparing for the oral argument in the

1 Lutheran Church case. Hopefully he did a superb job in
2 defending my ID, for which we all deserve thanks. I mean,
3 he deserves thanks.

4 But, I mean -- that's a month.

5 MR. MASTANDO: Your Honor, there's a staffing
6 crunch at the Mass Media Bureau. As of today, Bob Zauner is
7 the only hearing attorney there. I have two months
8 experience and I'm assisting -- two months experience as an
9 attorney. I'm assisting.

10 This is the "primary" season. I'm also covering
11 the political primaries. We receive hundreds of calls per
12 week for the political primaries. Just a few months ago
13 there were five attorneys in the Political Programming
14 Branch. There are two attorneys there now. One of those
15 attorneys was on leave for extended periods and the other
16 attorney was on approximately five multiple-day conferences.

17 As I explained to counsel on numerous occasions, I
18 was pushed for time in trying to answer their
19 interrogatories. And I explained to them that I was the
20 only person covering the political primaries right now for
21 the Political Programming Branch. I'm not even a part of
22 the Political Programming Branch officially. I'm part of
23 Complaints and Investigations Branch, another branch.

24 Truthfully, many of the motions and the responses
25 I drafted, it was the first time drafting a lot of the

1 things. It took me a little longer to draft it than it
2 would a Bob Zauner or a Gary Schonman, who is now part of
3 Wireless. We were working as diligently as possible. We
4 didn't know that we could bring in witnesses, so our primary
5 case was directed at document absorption.

6 They produced in excess of 500, closer to 700,
7 documents. They didn't comply with the instructions that we
8 requested which made our task a little bit more difficult.
9 They were given some extensions that we agreed to. We tried
10 to work within the initial document -- compliance with the
11 document request was supposed to be January 6th. We were on
12 furlough. We came back on the 11th. They didn't provide
13 any documents at that point. We were back after the 16th.
14 They didn't provide documents. They said they were going to
15 provide them on the 19th. They didn't provide them on the
16 19th. They waited until the 24th to provide the documents.

17 In essence, after all is said and done, that's in
18 excess of eight weeks worth of delay for the total
19 accumulation of documents. The documents that they provided
20 to us later on was nothing new. There was nothing because
21 of changed circumstances of the Licensees, there was nothing
22 because Michael Rice had new information from his cell.
23 Those were things that dated back to 1991, 1992. There were
24 checks written. They could have provided those in the
25 interim.

1 They were not on furlough, Your Honor. We think
2 six weeks is reasonable, given the confluence of events.

3 JUDGE STEINBERG: Okay. Do you want to briefly
4 respond? I'm ready to rule.

5 MS. SADOWSKY: Your Honor, I'd like to briefly
6 respond only because I don't want the record to reflect
7 facts that are in Mr. --

8 Well, let me just say this. To the extent there
9 was delay in document production, we have three
10 corporations. We have four different locations. We have
11 stations in three different cities. We have a headquarters
12 in a fourth city.
13 We had document searches conducted in all of those four
14 places and, Your Honor, it took some time.

15 JUDGE STEINBERG: Well you did a lot better than
16 the White House did.

17 MS. SADOWSKY: Thank you. The fact is there were
18 trips taken to St. Louis by Mr. Gaffney and myself to make
19 sure that documents were produced that were requested. In
20 fact, it was the last trip that Mr. Gaffney and I made where
21 these documents that hadn't previously been produced were
22 found and we decided that they were within the scope of
23 production.

24 And, in fact, all of the delays to the extent
25 there were delays were agreed to by the Bureau. They never

1 protested. When we told them we had some -- we needed more
2 time, they consented and we were appreciative of the fact.

3 This is a totally different situation here, Your
4 Honor, when we are given the news right before exhibits are
5 to be exchanged that they need more time to conduct
6 discovery. Even if they couldn't bring in witnesses, Your
7 Honor, they had the right to interview people. They could
8 have gotten written statements from people. There is
9 nothing stopping them from doing that in the past month. I
10 don't think they interviewed the one person that they told
11 us that they were going to interview until after we had
12 served them with their interrogatories based on the
13 conversation that we had.

14 A job has to be done and I appreciate the fact
15 that you are short staffed. But if the FCC is going to
16 designate this Licensee for a revocation hearing and is
17 going to put us through the hoops, then it has a job to do
18 and it should see to it that its staff can do the job in a
19 timely fashion according to the procedural dates that you
20 set.

21 JUDGE STEINBERG: Okay. I'm ready to rule.

22 In large part, I agree with Ms. Sadowsky. I don't
23 really think that a six week extension is justified. On the
24 other hand, I have a little sympathy for the Bureau, having
25 been in a similar position myself. I'm going to grant an

1 extension of continuance of the procedural dates for three
2 weeks.

3 The reason I picked three weeks is not to split
4 the baby in half, but to take into consideration the March
5 15th date. On March 15th, either we're going to be funded
6 for another couple of months or we're not going to be
7 funded. I suspect that we're going to be funded for another
8 couple of months. The way Congress has been going we won't
9 know it until March 14th.

10 A three week continuance will allow you to commit
11 the funds to bringing the witnesses in and arranging for all
12 of that, giving you an adequate time to do that.

13 The new dates are going to be: for exhibit
14 exchange March 26th; and I think -- I know we spoke
15 yesterday on the conference call about doing away with the
16 admissions session. I think if we're going to have a couple
17 dozen documents, I think it'd be better to just take care of
18 it in an admissions session. That way, if there are
19 specific questions about specific documents, that could be
20 covered during the hearing. I think we can get a lot of the
21 housekeeping done in an admissions session.

22 Did anybody have any problem with that or would
23 you rather do it during the hearing?

24 MS. SADOWSKY: I'd rather have the earlier
25 session, Your Honor.

1 JUDGE STEINBERG: Okay. Mr. Mastando?

2 MR. MASTANDO: I agree.

3 JUDGE STEINBERG: Okay. The admissions session
4 will be April 2nd. It will also be at the admissions
5 session you can also notify, orally notify, who you want for
6 cross examination, although I would assume everyone will
7 want to cross examine everyone. And April 9th for the
8 hearing.

9 I would like Licensees to answer the
10 interrogatories, and that's it for discovery.

11 Completion of discovery, which I set, some orders
12 say last date for initiation of discovery, some orders say
13 date for completion of discovery. Date for completion of
14 discovery means that's it. It's all over. Period. No more
15 discovery.

16 I'm a little upset that on the discovery
17 completion date we got a new request for discovery, but I
18 read over the interrogatories and I don't see anything in
19 there that strikes me offhand as being unreasonable or
20 unduly burdensome. If there is, I'm sure it will be pointed
21 out in an objection. Try to work it out yourselves first
22 before you come to me for a ruling. Again, I think you've
23 done an absolutely marvelous job in working things out
24 between the two parties, and I'm very happy with that. To
25 the extent you can answer them, answer them.

1 In terms of the one that you're talking about, I
2 think -- what's that, the employees, identify all, number
3 three?

4 MS. SADOWSKY: Yes.

5 JUDGE STEINBERG: I read that as basically the
6 universe of people who might have knowledge about relevant
7 facts. We used to ask interrogatories, I'm sure you
8 remember, identify everyone who you think has relevant
9 information on issues AB, and then they go out, once they
10 have the names, they go out and talk to them. So that's all
11 I see that as doing. I do see your point about if exhibit
12 exchange is March 5th and the answers aren't due until the
13 8th and they have to notify you what witnesses they're
14 calling, then what good is that interrogatory. So I
15 understand that point but I've changed the dates.

16 MS. SADOWSKY: Your Honor, let me ask you this.
17 To the extent the Bureau does come up with witnesses who we
18 find out about between now and March 26th, it seems to me
19 that depending on who the witnesses might be, we should be
20 entitled to depose that witness.

21 JUDGE STEINBERG: You can depose them anytime you
22 want to.

23 MS. SADOWSKY: No, but the problem is we have a
24 time frame crunch. If its not a party, we need 21 days
25 notice.

1 JUDGE STEINBERG: Well, the witness can waive the
2 21. Let's cross that bridge when we come to it. But I
3 think you would have a right to depose them. Even if the
4 hearing is, I mean if we convene on April 9th and you want
5 to depose and somebody is due on the 10th or 11th and you
6 want to depose them, we'll recess the hearing and let you
7 depose them. That's been done.

8 Let's go off the record.

9 (OFF THE RECORD)

10 JUDGE STEINBERG: Thank you. While we were off
11 the record, I told a joke. Actually, I didn't tell a joke.

12 Anyway, you understand what I'm talking about.
13 You can depose them. I think you're entitled to do that or
14 certainly recall them and talk to them informally. If
15 they're current employees, I think they might want to talk
16 to you. If they're former employees, they can do what they
17 want.

18 Do you have a continuing interrogatory to the
19 Bureau saying --

20 MS. SADOWSKY: Yes.

21 JUDGE STEINBERG: Okay. Now you have to abide by
22 that, the Bureau?

23 MR. ZAUNER: Correct, Your Honor. Once we
24 determine that in fact we are going to call a particular
25 witness, we will allow them to tell the name and identity.

1 JUDGE STEINBERG: Okay. Now -- I hesitate to
2 bring this up because this affects money and funding and
3 this and that and the other thing. That is, I would think,
4 normally, renewal and revocation hearings are held in the
5 field. I asked Judge Stirmer why he set the hearing for
6 Washington, D.C. and Judge Stirmer said because of money.

7 He also said if it's more efficient, being very
8 selfish about it, if it's a more efficient use of the
9 government's money to have the hearing near the city of
10 license or wherever, in a place more convenient to
11 witnesses, that any kind of motion to change the venue, the
12 hearing would have to go to him. But that he would consider
13 it.

14 For instance, if we have ten witnesses and they're
15 all out in the field, rather than flying ten witnesses --
16 rather than going to the expense of flying ten witnesses to
17 Washington, it'd be cheaper to fly three government people
18 out to the field. So I just want to put that out for
19 thought. It might be less expensive for your client for you
20 to go out of town than bring a ton of witnesses in.

21 That's something that the parties will have to get
22 together and, if a change in venue is needed, the motion
23 would have to go to the Chief Judge and he would have to
24 rule on it. Then if the venue is changed, the burden would
25 be on the judges to find a courtroom, and usually that's not

1 easy -- well, it's not easy, and it might impact on the
2 hearing date. So I want to let you know about that, too.
3 That's something that can be considered after the universe
4 of witnesses is known.

5 Anybody want to add anything? Mr. Mastando?

6 MR. MASTANDO: No, Your Honor.

7 MS. SADOWSKY: Your Honor, would there be a
8 deadline set for, since we have our exhibit exchange on
9 March 26th, would there be a deadline set prior to that for
10 the close of their extended discovery?

11 JUDGE STEINBERG: Oh, their discovery --

12 MS. SADOWSKY: I mean, I --

13 JUDGE STEINBERG: Yes. There's no new discovery,
14 The only thing that's outstanding is the first set of
15 interrogatories. You answer those, they file a motion to
16 compel within a certain, what is it four days, however many
17 days the rules provide, you respond and I rule. Whatever
18 date that takes us to, it takes us to.

19 So March 8th -- unfortunately I've forgotten the
20 time deadlines. I used to know them by heart. Anyway, its
21 seven straight days. It was seven straight days to respond
22 to your motion to compel, and it might have been seven
23 straight days to file a motion to compel. So I don't see
24 that that's any problem. But that's the only -- I mean,
25 there's going to be no new discovery.

1 MS. SADOWSKY: Okay.

2 JUDGE STEINBERG: Apart from the depositions. If
3 the Bureau wants to take depositions of their witnesses
4 before the hearing --

5 MR. ZAUNER: I presume we will not.

6 JUDGE STEINBERG: Okay. There being nothing
7 further, then we will be in recess until the 9th unless
8 someone else wants a conference.

9 Thank you again for coming and I appreciate it.

10 (Whereupon, at 9:35 a.m., the hearing in the
11 above-entitled matter was adjourned.)

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